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May 22, 2003

Aaron T. Borrowman, Reg. No. 42,348

6/Dec/03
J. Smyth
6/28/03

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)	Group Art Unit: 3611
Chris Kreutner)	
)	Examiner: Cassandra
Serial No. 09/934,777)	Hope Davis
)	
Filed: August 21, 2001)	
)	
For: PACKAGING TAPE)	Docket No. SMART-
SYSTEM AND RELATED)	38766
PROCESS)	
)	

DECLARATION OF CHRIS KREUTNER

MS: Amendment -Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Chris Kreutner, hereby declare that:

1. I am the inventor of the invention of the present application, and the President of Smart Move, Inc., the owner of the present application by way of Assignment.

2. My packaging tape system invention is designed to organize every aspect of a move using a series of specially labeled boxing tape. Each roll

of tape is repeatedly labeled with the same term, such as "kitchen" or "office", which will indicate the room or location in a house or office and from which the contents of the box originated. The tape is colored so that rooms or locations within an office or house, such as multiple bedrooms, can be easily distinguished from one another. The system allows movers to tape one specific room and simultaneously place the specific room destination of those items in the new home or office. Thus, my invention both tapes and labels the boxes to be moved simultaneously, the boxes being clearly marked on several sides due to the taping of the flaps of the box. Also, my system eliminates the use of multiple purchases of tape, markers, labels, etc. Messy markers and unclearly marked boxes are eliminated. Additionally, there is no need to direct movers as the movers place the boxes in the appropriate room or location of the new house or office due to the labeling on the adhesive tape.

3. We have placed our packaging tape in over 1,500 stores nationwide. Included in these stores are U-Haul, Public Storage, Ryder Budget Group, Bekins, Mayflower, Mailbox Etc., Box Brothers, Box City, U Got Mail, A American Self Storage, Victory Packaging, Eastern Seaboard Packaging, Pioneer Packaging, Nationwide Box, CDS, CBO, Miller Supply, and New Haven. Sales of our labeled packaging tape have exceeded \$300,000.00. We project that we will soon reach sales of over \$130,000.00 per month. We are currently in negotiations to sell our packaging tape on television, and through various national hardware chains and department stores.

4. As President of Smart Move, Inc., I am heavily involved with the marketing and promotion of our labeled packaging tape. I constantly receive responses from customers, such as those stores listed above, indicating that the labeled packaging tape is a great idea and that they have not seen anything like it and have needed it for years. I believe that the novelty and uniqueness of the invention has directly correlated with the success we have had in the marketplace.

5. I have reviewed the Hunter et al. (U.S. Patent No. 6,138,832) reference which was cited in the March 25, 2003 Office Action. The Hunter reference describes and illustrates a kit of packaging supplies, including boxes, tape, packing paper, and markers so that the consumer will not have to make multiple purchases. However, it is the use of such labels and marking pens on traditional boxing tape and boxes that is the very problem which my invention is intended to overcome. Even with the Hunter kit, both the tape and pen must be purchased. Moreover, the same problems of marking the tape or boxes which is described in the Background section of the application are present in the Hunter kit. I do not believe that the Hunter reference has any bearing whatsoever on my pre-printed and color coded packaging tape system.

6. I have also reviewed the Williams (U.S. Patent No. 4,557,971) reference. This reference discloses multiple layered laminated tape having a permeable layer suitable for printing or marking and a stronger layer to securely close the box. The Williams reference discloses that the permeable layer of the tape may be colored to provide esthetically pleasing tape. However, there is no


discussion of color coding the tape. Williams also discusses that a pen or marker may be used to write addresses or stamp messages on the permeable layer of the tape. Messages, such as the company name or warning such as "fragile" or "handle with care" may be printed on the tape as well. However, I do not see any reference whatsoever in the Williams patent to pre-printed labeling of the tape which indicates the room or location in the house or office from which the contents of the box were retrieved and originally packaged, or the room or location within the house or office in which the contents of the box should be delivered. Thus, I do not see this reference as having any bearing on my invention either.

7. Even combining the Hunter and Williams disclosures, a mover would only be supplied with tape bearing addresses, a company name, or warning messages such as "handle with care" or "fragile". The mover would have no idea that the box belongs in the kitchen, a particular bedroom, or the garage without actually opening the box to view its contents, before moving it to the appropriate room. It is well-known that stamping addresses on a box merely enables the Post Office to deliver the box to the physical location of the house or office. Addresses do not contain information which indicate a room or location in a house or office from which the contents of the box originated, or in which they should be placed, and have no relevance to the one-step moving process my invention produces. Thus, I do not believe that these references render my invention obvious.

I further declare that: all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and these statements were made with the knowledge that

willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such false statements may jeopardize the validity of the application or any registration resulting thereon.

Date: May 21, 2003



Chris Kreutner
President, Smart Move, Inc.